

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In Re:

Case No. 16-23508-rdd
(Chapter 13)

JACK PINNOCK AND MAZIE
PINNOCK,

Debtors.

OBJECTION TO CONFIRMATION

Ford Motor Credit Company LLC as agent for CAB East, LLC, by its counsel, SCHILLER, KNAPP, LEFKOWITZ & HERTZEL, LLP, as and for an Objection to Confirmation of the debtors' Chapter 13 Plan, states the following grounds therefor:

1. On November 2, 2016, the debtors, above-named, filed a voluntary petition in bankruptcy under Title 11, Chapter 13, U.S.C., United States Bankruptcy Court for the Southern District of New York.
2. The Court has jurisdiction to entertain this objection under 28 U.S.C., Section 157.
3. Objectant, Ford Motor Credit Company LLC as agent for CAB East, LLC (hereinafter "FMCC"), is the record owner of one (1) 2017 Lincoln MKZ (V.I.N. 3LN6L5D99HR602202), that upon information and belief is in the possession and control of the debtors. Copies of the Lease Agreement and Certificate of Title are annexed hereto as Exhibit "A" and made a part hereof.
4. Debtors' Plan fails to provide for either assumption or rejection of the leased motor vehicle with FMCC. The lease will be deemed rejected as of the conclusion of the hearing on confirmation and the stay under Section 362 shall automatically terminate with respect to the leased property as provided by 11 U.S.C. §365(p)(3). FMCC requests the Court entertain an ex parte order confirming same at the conclusion of the confirmation hearing.
5. No prior application for the relief requested herein has been made.

WHEREFORE, Ford Motor Credit Company LLC as agent for CAB East, LLC respectfully requests that the Court deny confirmation of the debtors' Chapter 13 Plan for the reasons hereinabove set forth unless modified to reflect the proper treatment of its claim as detailed above and for such other and further relief as to the Court may seem just and proper.

DATED: November 23, 2016

/s/ Martin A Mooney
Martin A Mooney, Esq. (MM 8333)
SCHILLER, KNAPP,
LEFKOWITZ & HERTZEL, LLP
950 New Loudon Road, Suite 109
Latham, New York 12110
Tel. (518) 786-9069
E-Mail: MMooney@schillerknapp.com

TO: Jeffrey L. Sapir, Esq. (Trustee)
399 Knollwood Road, Suite 102
White Plains, NY 10603

Linda M. Tirelli, Esq. (Debtor's Counsel)
Westchester Financial Center
50 Main Street, Suite 390
White Plains, NY 10606

Office of the United States Trustee (US Trustee)
201 Varick Street, Room 1006
New York, NY 10004

Mazie Pinnock (Debtor)
336 Claremont Ave.
Mount Vernon, NY 10552

Jack Pinnock (Debtor)
336 Claremont Ave.
Mount Vernon, NY 10552

16-14519